

Application No. 09/922,239
Amendment Dated October 3, 2005
Reply to Office Action of July 11, 2005

REMARKS/ARGUMENTS

By this Amendment Claims 2 - 48, 51, 52, 54 - 57 and 59 are canceled, Claims 1, 49, 53 and 60 are amended and Claim 58 is withdrawn. Claims 1, 49 - 57 and 59 - 61 stand rejected under 35 U.S.C. §103 as being obvious over 4,864,740 (Oakley) in view of 5,388,349 (Ogden) and/or 5,675,914 (Cintron) and 4,808,458 (Watt).

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

By the subject amendment Claim 1 has been amended to call for a shoe insert having a non-woven composite layer and a non-slip material layer.

The non-woven composite layer is now claimed as comprising (1) polyethylene and viscose fibers, (2) with the polyethylene fibers being soft fibers that are oriented in a vertical direction, (3) with the composite layer having an inside surface portion and an outside surface portion and (4) with the inside surface portion of the composite layer providing a coefficient of friction of at least 0.60.

The non-slip material layer is now claimed as comprising: (1) polyester tape secured to said outside surface portion of the composite layer, (2) with the polyester tape having a first surface and a second surface, (3) with the first surface of the polyester tape comprising a very low tack adhesive, (4) with the first surface of the polyester tape being disposed confronting the outside surface portion of the composite layer, (5) with the second surface of the polyester tape having a coefficient of friction that is greater than the coefficient of friction of the inside surface portion of the composite layer.

The cited art does not disclose nor suggest a shoe insert having a non-woven composite layer and a non-slip material layer constructed and arranged as set forth in Claim 1, as amended herein. For example, Claim 1 as amended now calls for soft polyethylene fibers. The softness of the polyethylene fibers is of considerable importance in the subject invention. Moreover the fibers are vertically oriented to provides the high coefficient of friction value claimed and exhibited by the various examples disclosed in the specification of this application. In the making of the subject invention, the applicants tested various non-woven materials, e.g., spun bonded polypropylene, thermal bonded polypropylene, through-air bonded bi-component fibers containing polyethylene as the outer sheath material, adhesive bonded polyester, chemically bonded polyester and rayon, and tricot material containing polyester and rayon. Such prior art non-woven materials resulted in a range of 0.32 to .052 for coefficient of friction. In contradistinction, the vertically-oriented polyethylene fibers which are now being claimed stand-out from those other materials in terms of coefficient of friction, resulting in a range of 0.62 to 0.73.

Claims 49, 50, 53, 60 and 61, the remaining elected dependent claims, all now depend directly or indirectly upon Claim 1 and are hence patentable for reasons similar thereto. In addition, Claim 49 has been amended to specify that the non-woven composite layer additionally comprises a foam layer. Claim 53 has been amended to specify that it is the inside surface portion of the composite layer that has the surface treatment. Claim 60 has been amended to specify that the insert comprises an internal ingredient sandwiched between the composite layer and the non-slip material layer.

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For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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entry and/or ensure consideration of
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